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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 DARNELE NELSON,
17 Defendant.

Case No. 2:20-cr-195-APG-EJY
**Stipulation to Continue the
Suppression Hearing Date**
(First Request)

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19 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher
20 Chiou, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States
21 Attorney, counsel for the United States of America, and Todd Leventhal, Esq., counsel
22 for Darnele Nelson, that the suppression hearing in the abovementioned case, which is
23 currently scheduled for November 2, 2021 be continued and reset to a date and time
24 convenient to this Court, but for a period of not less than 90 days, for the following
25 reasons:
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1 1. On or about August 5, 2020, Darnele Nelson was indicted on felony
2 charges of felon in possession of a firearm and ammunition. ECF 8. On or about August
3 14, 2020, the defendant was released on bond pending trial, which is presently set for
4 January 3, 2022. ECF 14, 27. A stipulation to also continue the trial date out at least 90
5 days will be contemporaneously filed. On or about August 5, 2021, Nelson filed a motion
6 to dismiss and a motion to suppress. ECF 28, 29. Oppositions to each motion was filed
7 by the government. ECF 37, 38. A hearing on the motion to suppress is currently set for
8 November 2, 2021.
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10 2. The parties need additional time to prepare for the suppression hearing and
11 for trial if the evidence is not suppressed. Additionally, the government is having
12 availability difficulties with two government witnesses, who are both necessary for the
13 suppression hearing and the trial.
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15 3. The defendant is not incarcerated and does not object to the continuance.

16 4. The parties agree to the continuance.

17 5. The additional time requested herein is not sought for purposes of delay,
18 but merely to allow the parties sufficient time within which to prepare for the suppression
19 hearing. Additionally, denial of this request for continuance could result in a miscarriage
20 of justice, and the ends of justice served by granting this request, outweigh the best
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1 interest of the public and the defendant in a speedy hearing.

2 6. This is the first stipulation to continue the suppression hearing date filed
3 herein.

4 DATED this 15th day of October, 2021.

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6 CHRISTOPHER CHIOU
7 United States Attorney

8 */s/ Todd M. Leventhal, Esq.*
9 By _____
10 TODD M. LEVENTHAL
11 Counsel for Defendant Darnele Nelson

12 */s/ Kimberly M. Frayn*
13 By _____
14 KIMBERLY M. FRAYN
15 MINA CHANG
16 Assistant United States Attorneys
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 DARNELE NELSON,

8 Defendant.

Case No. 2:20-cr-195-APG-EJY

ORDER

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10 Based on the pending Stipulation of counsel, and good cause appearing therefore,
11 the Court finds:

12
13 THEREFORE, IT IS HEREBY ORDERED that the suppression hearing in the
14 above-captioned matter, currently scheduled for November 2, 2021, be vacated and
15 continued to a date and time convenient to this court, that is February 15, 2022, at the
16 hour of 9:30 a.m, in Courtroom 3B.

17 DATED this 19th day of October 2021.

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20 HONORABLE ELAYNA J. YOUCHAH
21 United States Magistrate Court Judge
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